

# Notice of Allowability

Application No.

10/813,039

Examiner

Lars A Olson

Applicant(s)

ECK ET AL.

Art Unit

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## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment received from the applicant on April 12, 2005.
2. ☒ The allowed claim(s) is/are 1-11, 14 and 16-22.
3. ☒ The drawings filed on 31 March 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
2. On line 2 of Claim 9, the word "be" has been deleted and replaced with the word "being".
3. An amendment was received from the applicant on April 12, 2005.
4. Claims 12, 13 and 15 have been canceled.

### **Reasons for Allowance**

5. Claims 1-11, 14 and 16-22 are allowed.
6. The following is an examiner's statement of reasons for allowance. The water sport tower as claimed is not shown or suggested in the prior art because of the use of a water sport tower that is comprised of a support structure with an inverted U-shaped configuration, a pair of side supports, an overhead structure that extends between said side supports and is further comprised of first and second substructures, a towline connector for receiving an end of a towline that is provided on said first substructure, and a protective cover that extends between said first and second substructures, where said protective cover has an opening through which said towline connector extends.

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The prior art also does not show or suggest the use of a method for covering a passenger area of a watercraft that is fitted with a water sport tower, said method being comprised of the steps of providing said water sport tower with a structural member in a spaced and parallel position to an overhead structure, securing a first end of a cover to said structural member, securing a second end of said cover to said overhead structure, and tensioning said cover by biasing said structural member away from said overhead structure.

7. The prior art as disclosed by Larson et al. (US 5,979,350) shows the use of a watercraft that is comprised of a hull, a deck that is disposed on said hull, and a water sport tower that is further comprised of a support structure with an inverted, U-shaped configuration that is releasably mounted to a pair of side supports, an overhead structure that is further comprised of first and second substructures, and a towline connector that is provided on said first substructure. Smith et al. (US 6,691,637) discloses a T-top for a watercraft and a method for covering a passenger area of a watercraft using said T-top, said T-top being comprised of a protective cover or canopy assembly that extends between as is secured to a first substructure and a second substructure of an overhead structure for a watercraft. However, none of the prior art cited shows or suggests the use of a water sport tower that is comprised of a support structure with an inverted U-shaped configuration, a pair of side supports, an overhead structure that extends between said side supports and is further comprised of first and second substructures, a towline connector for receiving an end of a towline that is provided on said first substructure, and a protective cover that extends between said

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first and second substructures, where said protective cover has an opening through which said towline connector extends. The prior art also does not show or suggest the use of a method for covering a passenger area of a watercraft that is fitted with a water sport tower, said method being comprised of the steps of providing said water sport tower with a structural member in a spaced and parallel position to an overhead structure, securing a first end of a cover to said structural member, securing a second end of said cover to said overhead structure, and tensioning said cover by biasing said structural member away from said overhead structure.

### ***Conclusion***

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

9. Any inquiry concerning this communication from the examiner should be directed to Exr. Lars Olson whose telephone number is (571) 272-6685.

lo

May 2, 2005

LARS A. OLSON  
PRIMARY EXAMINER

*Lars Olson*  
5/2/05